

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
HEALTH AND SAFETY ISSUES**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

October, 2006

INDIANA LEGISLATIVE COUNCIL

2006

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INTERIM STUDY COMMITTEE ON HEALTH AND SAFETY ISSUES

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Susan Montgomery
Attorney for the Committee

Kathy Norris
Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

I. LEGISLATIVE COUNCIL DIRECTIVES

The Legislative Council, in Legislative Council Resolution 06-01, assigned the following topics to the Committee:

- A. Railroad labor camps (Senator Landske and HCR 86)
- B. Coal mine safety (Sen. R. Young)
- C. Smoke detectors and sprinkler systems in health facilities, including nursing homes (SR 34 and SR 42)
- D. Food handling regulations for tax exempt organizations (HR 84)

The Committee also studied certification for pipefitters.

II. SUMMARY OF WORK PROGRAM

The Committee met three times in 2006: September 7, October 4, and October 24. The September 7 and October 24 meetings were held at the State House. The October 4 meeting was held at Vincennes University, Vincennes, Indiana.

At the September 7 meeting, the Committee heard testimony concerning the need for sprinklers in all nursing homes in the state, and the need for smoke detectors in the sleeping room of every nursing home resident. Providers of fire detection and suppression systems spoke regarding state of the art equipment.

The Committee heard testimony concerning whether certification for pipefitters (individuals who install sprinkler systems) should be licensed or registered by the state.

Further, the Committee heard testimony concerning food handling permits for individuals involved in food events sponsored by non-profit entities.

At the second meeting, October 4, the Committee heard testimony from the Commissioner of Labor concerning the status of coal mining in Indiana. Testimony was also offered from the President of the Indiana Coal Council, individuals representing coal companies, and a private citizen concerning mine safety in the state.

At the third meeting, October 24, the Committee heard testimony concerning railroad labor camps, and concluded testimony on fire safety in nursing homes and food handling regulations for tax exempt organizations. Testimony was offered from two private individuals concerning coal mine safety. The Committee also discussed and approved the Final Report, to which it agreed that later amendments would be added to reflect the third meeting.

III. SUMMARY OF TESTIMONY

At the September 7 meeting, Mary Ann Maroon of the Indiana Health Care Association (IHCA)

provided information concerning long-term health facilities in Indiana. Jim Leich, Indiana Association of Homes and Services for the Aging (IAHSA), voiced concern about the cost of sprinkler retrofitting the older buildings of its members. Robyn Grant of United Senior Action encouraged the requirement of both smoke detectors and sprinklers in each resident's room, and stated that her organization would like to see smoke detector status on the department of health website. Daniel Raap of McDaniel Fire Systems spoke regarding the fire protection and detection industry. Lesa Dietrick, representing the American Institute of Architects-Indiana, voiced agreement with requiring fire safety systems in health facilities. Terry Whitson of the Indiana State Department of Health spoke concerning that department's website and the information located therein. Bob Decker, Hoosier Owners and Providers for the Elderly (HOPE), questioned requirements for fire detection and suppression.

Charlie Hiltunen, representing Road Sprinklerfitters Local Union 669, and Brian Fisher, a member of Road Sprinklerfitters Local Union 669, urged the Committee to require some type of registration or licensing for pipefitters, the individuals who install fire sprinkler systems. Jeff Hugo of the National Fire Sprinkler Association stated that the Association's rules require the owner of a building to be responsible for fire sprinkler installation inspection.

Representative Peggy Welch and Representative Cleo Duncan spoke regarding the history of legislation concerning food handling permits for tax exempt organizations in the 2006 Session. Eric Miller of Advance America urged legislation in this area to allow churches and Christian schools to continue to be exempt from licensing as food handlers. Dr. Dennis Ice of the Indiana Association of Christian Schools stated that he had never heard of any illness from church pitch-ins or non-profit concession stands. Glenn Tebbe of the Indiana Catholic Conference stated that he is concerned with public health, but that the licensing of non-profit food handlers takes the issue too far. Terry Whitson of the Indiana State Department of Health felt that some confusion on this issue resulted from two different statutes.

At the second meeting, October 4, Commissioner of Labor Miguel R. Rivera, Sr. spoke regarding the safety of mines in Indiana, including methods of communication with trapped miners, federal mine safety laws, and mine safety inspectors. J. Nathan Noland of the Indiana Coal Council gave a short overview of coal mining and the safety of the underground coal industry in Indiana. Mike Stanley of the Gibson County Mine, Chad Berris of Peabody Coal Company, Midwest, and Jeff Worth of Five Star Mining-Prosperity Mine spoke about their large mines and those mines' safety records. Mr. Berris stated that his company investigates near-miss accidents, finding value in learning what almost went wrong. Tommy Sutton of Triad Mining, a smaller mine, explained the variation in accident rates as due to statistics' computation factors, and hoped that the state would continue its mine rescue teams. Gary Fritz stated his belief that necessary mine inspections have not been performed and that certain records have not been properly kept.

During the third meeting, October 24, the Committee heard from Chris Menze and Kelli Whiting, of the Indiana Environmental Health Association, concerning food events and food borne illnesses that can result no matter who is the sponsor of the event. John Livengood of the Restaurant and Hospitality Association of Indiana expressed concern that restaurants run by non-

profit groups may be exempt from certain sanitary standards. Eric Miller of Advance America stated again that churches and Christian schools should be exempt from certain food handling requirements.

Jeff Bainter, Railroad Division of the International Brotherhood of Teamsters, spoke regarding what he considered to be unsanitary living conditions in railroad labor camps, which are located for short periods in various parts of the state. Tom Fruechtenicht, representing the Norfolk South rail company, responded that there had been inspections of several camps in the last year by several local boards of health and that no substantial problems were noted.

Michelle Niemier of United Senior Action believed that legislation requiring both sprinkler systems in nursing homes and hardwired smoke detectors in each resident's room should go forward. Jim Leich, Indiana Association of Homes and Services for the Aging, voiced concern for the financial costs to the nursing homes if these items were required by statute. Mary Ann Maroon of the Indiana Health Care Association thought that there might be some nursing homes that were not a member of either her or Mr. Leich's organization and thus a true cost determination if legislation resulted might not be able to be made.

Steve Bottoms believed that Indiana has taken steps backwards on the issue of coal mine safety. Gary Fritz disagreed with testimony at the second meeting concerning the pay of coal miners and thinks that they are losing parity with inflation. He thought that coal companies play with their numbers to show better accident statistics.

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the no findings of fact concerning the following:

- (A) Railroad Labor Camps
- (B) Coal Mine Safety
- (C) Smoke Detectors and Sprinkler Systems in Health Facilities, Including Nursing Homes
- (D) Food Handling Regulations for Tax Exempt Organizations
- (E) Certification for Pipefitters

The Committee recommended the legislative draft PD 3434 (Health facility fire sprinkler systems) by voice vote.

The Committee voted 7-0 to adopt the draft copy of the Final Report of the Committee, which would be updated to reflect the action taken at the third and final meeting of the Committee.

WITNESS LIST

Mary Ann Maroon, Indiana Health Care Association (IHCA)
Jim Leich, Indiana Association of Homes and Services for the Aging (IAHSA)
Robyn Grant, United Senior Action
Daniel Raap, McDaniel Fire Systems
Lesa Dietrick, American Institute of Architects-Indiana
Terry Whitson, Indiana State Department of Health
Bob Decker, Hoosier Owners and Providers for the Elderly (HOPE)
Charlie Hiltunen, Road Sprinklerfitters Local Union 669
Brian Fisher, Road Sprinklerfitters Local Union 669
Jeff Hugo, National Fire Sprinkler Association
Bruce Agan
Representative Peggy Welch
Representative Cleo Duncan
Eric Miller, Advance America
Dr. Dennis Ice, Indiana Association of Christian Schools
Glenn Tebbe, Indiana Catholic Conference
Commissioner of Labor Miguel R. Rivera, Sr.
J. Nathan Noland, Indiana Coal Council
Mike Stanley, Gibson County Mine
Chad Berris, Peabody Coal Company, Midwest
Jeff Worth, Five Star Mining-Prosperity Mine
Tommy Sutton, Triad Mining
Gary Fritz
Chris Menze, Indiana Environmental Health Association
Kelli Whiting, Indiana Environmental Health Association
John Livengood, Restaurant and Hospitality Association of Indiana
Jeff Bainter, Railroad Division, International Brotherhood of Teamsters
Tom Fruechtenicht, Norfolk Southern
Michelle Niemier, United Senior Action
Steve Bottoms